

Appl. No. 10/630,502
Atty. Docket No. P-138
Response: February 8, 2007
Customer No. 27752

REMARKS

Claims 1-27 are pending in the present application. Claims 1-18 have been withdrawn. Claims 19 and 21 have been amended. The support for the amendment is found at page 8, lines 27-34 through page 9, line 2 of the present specification.

It is believed these changes do not involve any introduction of new matter.

Consequently, entry of these changes is believed to be in order and is respectfully requested.

The Rejections Under 35 USC § 102(b)

Claims 19-27 are rejected under 35 USC § 102(b) as being anticipated by De Boer et al. (JP 02227051), (hereinafter "De Boer"). The Examiner provided an English translation of the Japanese document with the present office action.

The Examiner states that De Boer et al. disclose a preparation of a low calorie food comprising polyol fatty acid polyesters supplemented with dietary fiber and that the degree of esterification is about 70%.

The Applicants respectfully traverse this rejection based on the remarks contained herein.

Under § 102, anticipation requires that all the Claim elements appear in a single prior art document. "A Claim is anticipated only if each and every element set forth in the Claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 citing *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2D 1051, 1053 (Fed. Cir. 1987). "The Identical invention must be shown in as complete detail as is contained in the ... Claim." MPEP § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2D 1913, 1920 (Fed. Cir. 1989).

The present invention recites in Claims 19 and 21 a composition comprising an amount of a polyol fatty acid polyester, wherein the polyol fatty acid polyester is provided by the composition in an amount of from about 0.001 to about 450 mg/kg body weight of the mammal. De Boer et al. does not teach or suggest a particular amount of polyol fatty acid polyester from about 0.001 to about 450 mg/kg body weight of the mammal. Particularly

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with respect to Claim 19, De Boer does not teach or suggest an amount of polyol fatty acid polyester effective to increase fecal hair extraction or to treat hairballs.

Thus, the present invention cannot be anticipated by De Boer. Because De Boer et al. does not disclose each and every element of the present application, it cannot as a matter of law anticipate the present application.

Reconsideration and withdrawal of the rejection on this basis are requested.

Conclusion

In light of the remarks and amendments presented herein, the Applicants respectfully submit that Claims 19-27 are allowable over the cited document. Reconsideration and allowance are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call the Applicant's undersigned attorney for further discussion.

Respectfully Submitted,

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